

118TH CONGRESS
1ST SESSION

S. 3100

To amend chapter 44 of title 18, United States Code, to restrict the ability to transfer business inventory firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2023

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to restrict the ability to transfer business inventory firearms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fire Sale Loophole
5 Closing Act of 2023”.

6 **SEC. 2. SENSE OF THE CONGRESS.**

7 It is the sense of Congress that the Bureau of Alco-
8 hol, Tobacco, Firearms, and Explosives has the authority
9 to regulate how Federal firearms licensees discontinue
10 their firearms businesses, and to clarify statutory require-

1 ments regarding firearms that remain in the possession
 2 of a former licensee (or a responsible person of the former
 3 licensee) at the time the license is terminated.

4 **SEC. 3. RESTRICTIONS ON THE ABILITY TO TRANSFER**
 5 **BUSINESS INVENTORY FIREARMS.**

6 (a) RESTRICTIONS.—Section 922 of title 18, United
 7 States Code, is amended by adding at the end the fol-
 8 lowing:

9 “(aa) RESTRICTIONS ON ABILITY TO TRANSFER
 10 BUSINESS INVENTORY FIREARMS.—

11 “(1) TRANSFER AFTER NOTICE OF LICENSE
 12 REVOCATION OR DENIAL OF LICENSE RENEWAL.—

13 “(A) OFFENSE.—It shall be unlawful for a
 14 person who has been notified by the Attorney
 15 General that the Attorney General has made a
 16 determination to revoke a license issued to the
 17 person under this chapter to import, manufac-
 18 ture, or deal in firearms, or to deny an applica-
 19 tion of the person to renew such a license, to—

20 “(i) transfer a business inventory fire-
 21 arm of the person—

22 “(I) into a personal collection of
 23 the person; or

24 “(II) to an employee of the per-
 25 son, or to an individual described in

1 section 923(d)(1)(B) with respect to
2 the person; or

3 “(ii) receive a firearm that was a
4 business inventory firearm of the person as
5 of the date the person received the notice.

6 “(B) RESCINDED DETERMINATIONS.—Sub-
7 paragraph (A) shall not apply with respect to a
8 license revocation or denial determination that
9 is rescinded.

10 “(2) TRANSFER AFTER REVOCATION OR EXPI-
11 RATION OF LICENSE.—

12 “(A) OFFENSE.—It shall be unlawful for a
13 person—

14 “(i) on or after the effective date of
15 the revocation of a license issued to the
16 person under this chapter to import, man-
17 ufacture, or deal in firearms, or (in the
18 case that the application of the person to
19 renew such a license is denied) on or after
20 the date the license expires, to—

21 “(I) engage in conduct prohibited
22 by paragraph (1); or

23 “(II) transfer to any other per-
24 son (except a person licensed under
25 this chapter or a Federal, State, or

1 local law enforcement agency) a fire-
2 arm that was a business inventory
3 firearm of the person as of the effec-
4 tive date or expiration date, as the
5 case may be; or

6 “(ii) after the 30-day period that be-
7 gins with the applicable date referred to in
8 clause (i), transfer to a person licensed
9 under this chapter a firearm that was a
10 business inventory firearm of the person as
11 of the applicable date.

12 “(B) REVERSED DETERMINATIONS.—Sub-
13 paragraph (A) shall not apply with respect to a
14 license revocation or denial determination that
15 is reversed.

16 “(3) TRANSFER OF FORMER BUSINESS INVEN-
17 TORY FIREARM OUT OF PERSONAL COLLECTION.—It
18 shall be unlawful for any person who has transferred
19 a business inventory firearm into a personal collec-
20 tion of the person, to transfer the firearm within 1
21 year after the transfer of the business inventory fire-
22 arm.”.

23 (b) BUSINESS INVENTORY FIREARM DEFINED.—
24 Section 921(a) of such title is amended by adding at the
25 end the following:

1 “(38) The term ‘business inventory firearm’ means,
2 with respect to a person, a firearm required by law to be
3 recorded in the acquisition and disposition logs of any fire-
4 arms business of the person.”.

5 (c) CONFORMING AMENDMENT.—Section 923(c) of
6 such title is amended in the second sentence by inserting
7 “section 922(aa) and to” after “subject only to”.

8 (d) PENALTIES.—Section 924(a) of such title is
9 amended by adding at the end the following:

10 “(9) Whoever knowingly violates section 922(aa)
11 shall be fined under this title, imprisoned not more than
12 1 year (or, if the violation was willful, 5 years), or both.”.

13 (e) REQUIREMENT THAT LICENSE REVOCATION OR
14 APPLICATION DENIAL NOTICE INCLUDE TEXT OF LAW
15 PROHIBITING DEALING IN FIREARMS WITHOUT A FED-
16 ERAL FIREARMS LICENSE AND RESTRICTING TRANSFER
17 OF BUSINESS INVENTORY FIREARMS.—Section 923(f)(1)
18 of such title is amended by inserting after the first sen-
19 tence the following: “A written notice described in the pre-
20 ceding sentence shall set forth the provisions of Federal
21 statutes and regulations that prohibit a person not li-
22 censed under this chapter from engaging in the business
23 of dealing in firearms or that are relevant in determining

1 whether a person is doing so, and the provisions of section
2 922(aa).”.

○